

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANGELA NOVY, FREDERICK BECKER,)	
LARRY COLLINS, WILSON PALMER,)	
JUANITA WILLIAMS, SARAH BESTE,)	
HEATHER POWERS, LAURA CROWLEY,)	
TERRY ELWELL, ANGELA PETROUTSA,)	Case No. 4:16-cv-1233
JOSEPH GROSSMAN, JAMES)	
MAXFIELD, ABDUL-MUTAAL BILAL,)	
LISA RADZIK, ALLAN KOTTER, DENISE)	
GILL, FAITH HINCHMAN, MICHELLE)	
BAGGETT, ANGELA GIBSON, DIANE)	
REYNOLDSON, JOANN CARDONA,)	
JASON SMITH, TAMMY DYKEMA,)	
TONY WALKER, SHEILA MAY, BRIAN)	
MORRISON, MELVIN HOLMES III, ERIC)	
ROBINSON, CHRISTINE BAKER, SUSAN)	
COLE, SANDRA GRAHAM, CYNTHIA)	
HOUSTON, TINA KENNEDY, PETER)	
MCGRATH, SABIR SAAD, RONELL)	
SMITH, WILFRED VEGIARD, JEROME)	
WEISS, ALANA ADAMS, HELEN)	
ARTIST-ROGERS, WILLIAM BROWN)	
SR., JESSICA L. CARROLL, SUETTE)	
COLLINS, JAMES NICOL, VANESSA)	
MARSHALL, WILLIAM SALTERS, JERRY)	
SIMERLY, and ANNIE THOMAS,)	
)	
Plaintiffs,)	
)	
v.)	
)	
C. R. BARD, INC., and BARD)	
PERIPHERAL VASCULAR, INC.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Bard” or “Defendants”), by and through counsel, and pursuant to Fed. R. Civ. P. 12(b)(2) and Fed. R. Civ.

P. 21, move this Court to dismiss the claims of the Out-of-State Plaintiffs for lack of personal jurisdiction.

As more fully set forth in the accompanying Memorandum in Law Support, this Court should dismiss the claims of the Out-of-State Plaintiffs because this Court lacks personal jurisdiction over the Defendants with respect to those claims. Specifically, this Court lacks specific jurisdiction because the Out-of-State Plaintiffs have not alleged, and cannot allege, a single, specific (and non-conclusory) Missouri contact by the Defendants that gives rise to any of their individual claims. Second, as the United States Supreme Court recently made clear in *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), this Court does not have general jurisdiction over the Defendants because they are not “at home” in Missouri, given Missouri is not their state of incorporation or where their principal places of business are located.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support, Bard respectfully requests that this Court dismiss the Out-of-State Plaintiffs’ claims for lack of personal jurisdiction.

Respectfully submitted,

/s/ Angela M. Higgins

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ATTORNEYS FOR DEFENDANTS
C. R. BARD, INC., and BARD PERIPHERAL
VASCULAR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system on this 28th day of July, 2016, which will send notification of the same to all counsel of record. A copy has also been served on all counsel of record in this proceeding by U.S. Mail, postage prepaid, addressed to:

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/s/ Angela M. Higgins